



Crl.O.P.(MD) No.12468 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12468 of 2022

1. Prasanna
2. Vellaisamy
3. Vijaya
4. Muthulakshmi

... Petitioners

Vs

1. The Deputy Superintendent of Police
Aranthangi, Pudukottai District
2. The Inspector of Police
All Women Police Station
Aranthangi, Pudukottai District
3. Aasikaa @ Ashikka

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the FIR in Crime No.16 of 2021 dated 28.12.2021 on the file of the second respondent police and quash the same as against the petitioners.

For Petitioners : Mr.D.Ramesh Kumar

For Respondents: Mr.M.Sakthikumar

No. 1 and 2 Government Advocate(Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.16 of 2021 dated 28.12.2021 on the file of the second respondent police.

2.The case of the prosecution is that the first petitioner and the defacto complainant fell in love with each other and they got married without the blessings of both the parents. After their marriage they started their matrimonial life separately. There on 06.12.2021, the accused persons trespassed into the house of the defacto complainant, assaulted her and also abused her using caste name and threatened her with dire consequences. Hence she has lodged the complaint.

3.The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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4.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by Mr.S.Masilamani, Sub Inspector of Police, Aranthangi All Women Police Station, Pudukottai District Police Station as well as by the learned Counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Sections 448,294(b), 352,506(i) of IPC r/w.Section 3(1)(r),3(1)(s), 3(2)(v-a) of SC/ST(POA) Act, 1989.



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6.The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Panjab and another* reported in **(2012)10 SCC 303** and *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*) reported in **(2017)9 SCC 641** were taken into consideration.

7.In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Crime No.16 **of 2021** pending before the **second** respondent police, even though, the offences involved are not compoundable in nature.

8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.16 **of 2021** on the file of the **second** respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order.

11.07.2022

Internet:Yes./No
Index:Yes/no
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To

1. The Deputy Superintendent of Police
Aranthangi, Pudukottai District
2. The Inspector of Police
All Women Police Station
Aranthangi, Pudukottai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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